IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3313 of 2005

Between:

M/s.The Singareni Colleries Co.Ltd., (A.Government Company) rep.by its General Manager, Ramagundam-I, Area, Godavarikhani (PO) Karimnagar, District A.P.

... PETITIONER

AND

1 Land Acquisition officer & Special Deputy Collector, Land Acquisition Unit, SCCL Godavarikhani (PO), Karimnagar District.
2 P.Tajender Rao, S/o.Rangarao, R/o.Warangal, Warangal District.
3 P.Rajender Prakash, S/o.Ranga Rao, R/o.Warangal, Warangal District.
4 Eluvakala Lingaiah, S/o.Bhoomaiah, R/o.Warangal, Warangal District.
5 Smt.Todeti Laxmi, W/o.Rajaiah, R/o.Singireddipalli, H/o.Jallaram, Karimnagar Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling the records from the 1st respondent and quash the proceedings bearing No.B1/897/96, dated 29-10-2003 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.NANDIGAM KRISHANA RAO

Counsel for the Respondent No.1: GP FOR LAND ACQUISITION

Counsel for the Respondent No.2 to 5 : None appeared

The Court at the stage of admission made the following:

ORDER:

An extent of Ac.32-18 ½ guntas of land situated in Jallaram Village in Kamanpur Mandal, Karimnagar District was acquired under the provisions of the Land Acquisition Act, 1894 (for short, 'the Act') for the purpose of the writ petitioner – The Singareni Collieries Company Limited for diversion of Manthani Road. The notification under Section 4(1) of the Act as well as the declaration under Section 6 of the Act were published on 27-03-1990, and the possession was taken on 16-5-1990. Thereafter, award enquiry was concluded and after considering the rival claims made by the claimants, the first respondent passed an award on 26-03-1992 and referred the case to Civil Court under Section 30 of the Act in respect of Ac.2.20 guntas of land situated in Sy.No.13 of Jallaram Village. In pursuance thereof, O.P.No.33 of 1992 was registered on the file of the Court of the Sub-ordinate Judge at Peddapalli, Karimnagar District and award was passed on 11-07-1996. It appears that pending the proceedings, the respondents 2 and 3 and respondents 4 and 5 herein who are the claimants made applications seeking reference under Section 18 of the Act. Based on the said applications, the first respondent by proceedings dated 29-10-2003 referred the matter to the Court of the Senior Civil Judge, Manthani. Accordingly, the matter was registered as O.P.No.12 of 2004 and the same is pending on the file of the Senior Civil Judge, Manthani.

The grievance of the petitioner is that the applications made by the respondents 2 to 5 herein are grossly barred by limitation and therefore the first respondent ought not to have referred the matter under Section 18 of the Act. In

those circumstances, the petitioner seeks Writ of Certiorari calling the records from the first respondent and to quash the proceedings dated 29-10-2003.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for the 1st respondent.

It is not in dispute that in pursuance of the impugned order a reference dated 29-10-2003 the matter was registered as O.P.No12 of 2004 and the same is pending before the learned Senior Civil Judge, Manthani. If that be so, it is open to the petitioner, who is the beneficiary, to raise all the objections before the Civil Court in the pending proceedings.

The learned Counsel for the petitioner across the Bar states that as a matter of fact the implead petition filed by the writ petitioner was already ordered by the learned Senior Civil Judge, Manthani, however the objection raised by the petitioner that the applications made by the claimants are ex facie barred by time has not been considered by the Court.

The learned Government Pleader states that since the writ petitioner has already got itself impleaded to the proceedings pending before the Civil Court, all the objections will be considered by the court below and the petitioner cannot maintain this writ petition at this stage.

Having regard to the facts and circumstances of the case and particularly keeping in view the proceedings in O.P.No.12 of 2004 are pending to which the writ petitioner is also a party, I deem it appropriate to dispose of the writ petition grating liberty to the petitioner to raise all the objections, including the objection that the applications for reference are barred by limitation, before the Civil Court. It is made clear that the learned Senior Civil Judge, Manthani shall consider all such objections raised by the petitioner while disposing of O.P.No.12 of 2004 and pass appropriate orders in accordance with law after hearing all the parties concerned.

With the above direction, the Writ Petition is disposed of. No costs.

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G. ROHINI, J

Dated: 13-04-2005

NOTE: Furnish C.C. in a week.

LSK

ASSISTANT REGISTRAR

To

1 Land Acquisition officer & Special Deputy Collector, Land Acquisition Unit, SCCL Godavarikhani (PO), Karimnagar District.
2 Two C.C.s to the G.P. for Land Acquisition, High Court buildings, Hyderabad (OUT)

3 Two C.D. copies.